

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

CHAPTER 11

DUNE ENERGY, INC.,
DUNE OPERATING COMPANY
DUNE PROPERTIES, INC.

Debtors.

CASE NO. 15-10336-HCM
CASE NO. 15-10337-HCM
CASE NO. 15-10338-HCM

(JOINTLY ADMINISTERED
UNDER CASE NO. 15-10336)

DAN B. LAIN, TRUSTEE OF THE
DUNE PLAN TRUST,

1:17-cv-00877-RP

Plaintiff,

vs.

JAMES A WATT, ET AL.

Defendants.

**JOINT STIPULATION AND ORDER OF DISMISSAL PURSUANT TO FED. R.
BANKR. P. 8023 AND FED. R. APP. P. 42**

Pursuant to Federal Rule of Bankruptcy Procedure 8023 and Federal Rule of Appellate Procedure 42, Plaintiff Dan B. Lain, Trustee of The Dune Plan Trust ("Plaintiff") together with Defendants James A. Watt, Frank T. Smith Jr., Hal L. Bettis, Amiel David, Alan Gaines, Alan D. Bell, Alexander A. Kulpecz, Jr., Emanuel R. Pearlman, Eric R. Stearns, John A. Brecker, Marjorie L. Bowen, Michael A. Keener, Richard M. Cohen, Robert A. Schmitz, Steven P. Kovacs, Steven Barrenechea, Steven M. Sisselman, and William E. Greenwood ("Defendants"), by and through their respective undersigned counsel, stipulate to the dismissal of this Appeal.

Plaintiff and Defendants agree that the above-captioned appeal is dismissed and that each party shall bear its own costs and expenses relating thereto.

THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS: the above-captioned appeal is dismissed without costs.

Dated: February 1, 2018.

AGREED:

HEDRICK KRING, PLLC	PORTER HEDGES LLP
<p>By: : <u>/s/ Joshua L. Hedrick</u> Joshua L. Hedrick State Bar No. 24061123 Joel B. Bailey Texas State Bar No. 24069330 Britton D. McClung Texas State Bar No. 24069330 Laura M. Fontaine Texas State Bar No. 24082690 1700 Pacific Avenue, Suite 4650 Dallas, Texas 75201 Telephone: 214-880-9600 Josh@HedrickKring.com Joel@HedrickKring.com Britt@HedrickKring.com Laura@HedrickKring.com</p> <p>– and –</p> <p>STRICKLIN LAW FIRM, P.C.</p> <p>Samuel M. Stricklin Texas State Bar No. 19397050 Palisade Central II 2435 North Central Expressway, Suite 1200 Richardson, Texas 75080 Sam.stricklin@stricklaw.pro</p> <p><i>Counsel for Plaintiff.</i></p>	<p>By: <u>/s/ John F. Higgins</u> John F. Higgins State Bar No. 09597500 Alison P. Henderson State Bar No. 24087707 1000 Main Street, 36th Fl. Houston, Texas, 77002 Telephone: (713) 226-6648 Facsimile: (713) 226-6248 Email: jhiggins@porterhedges.com Email: ahenderson@porterhedges.com</p> <p>BROWN RUDNICK LLP</p> <p>Sigmund S. Wissner-Gross (<i>pro hac vice</i>) Kenneth J. Aulet (<i>pro hac vice</i>) Seven Times Square New York, New York 10036 Telephone: (212) 209-4800 Facsimile: (212) 209-4801 Email: swissner-gross@brownrudnick.com Email: kaulet@brownrudnick.com</p> <p><i>Counsel for Defendants.</i></p>

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Stipulation and Order of Dismissal Pursuant to Fed. R. Bankr. P. 8023 and Fed. R. App. P. 42 was filed with the Court in electronic format, on the 1st day of February, 2018, and an electronic copy was served on counsel of record, as listed below, on the same date:

Joshua L. Hedrick
Joel B. Bailey
Britton D. McClung
Laura M. Fontaine
HEDRICK KRING, PLLC
1700 Pacific Avenue, Suite 4650
Dallas, Texas 75201
josh@hedrickkring.com
joel@hedrickkring.com
britt@hedrickkring.com
laura@hedrickkring.com

Samuel L. Stricklin
STRICKLIN LAW FIRM, P.C.
Palisade Central II
2435 North Central Expressway, Suite 1200
Richardson, Texas 75080
sam.stricklin@stricklaw.pro

/s/ John F. Higgins
John F. Higgins